

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS

69A Hagood Avenue

Charleston, South Carolina 29403-5107

and the

S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

OFFICE OF OCEAN AND COASTAL RESOURCE MANAGEMENT

1362 McMillan Avenue, Suite 400

Charleston, South Carolina 29405

REGULATORY DIVISION

Refer to: P/N # SAC 2009-0118-1IQ

FEBRUARY 6, 2009

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403), Sections 401 and the South Carolina Coastal Zone Management Act (16-39-11 et seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

MS. CHARLENE SHUFELT
NEWPOINT COMMUNITY ASSOCIATION
POST OFFICE BOX 1225
BEAUFORT, SOUTH CAROLINA 29901

for a permit to modify an existing community dock in

FACTORY CREEK

at a location at the Factory Creek shoreline of the *Newpoint* subdivision, east and adjacent to SC802, about 1.6-mile north of US21, on Lady's Island, Beaufort County, South Carolina, (Lat: 32.434998; Long: -80.647936).

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, MARCH 09, 2009

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of the addition to the existing 260' fixed pier of a 14' x 28' covered, fixed pierhead (final pierhead size: 14' x 42') and moving the existing twin, 10' x 100' floating docks to the end of the pierhead. The pierhead addition will result in the structure extending 28' farther channelward for a total length of 288 feet. The applicant has stated that the purpose of the project is to allow Newpoint Community Association dock users increased access to deeper waters of Factory Creek.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

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FEBRUARY 6, 2009

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact a total of 0.05-acre of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), this public notice also constitutes a request to Indian Tribes to notify the District Engineer of any historic properties of religious and cultural significance to them that may be affected by the proposed undertaking.

In accordance with the NHPA, the District Engineer has also consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. To insure that other cultural resources that the District Engineer is not aware of are not overlooked, this public notice also serves as a request to the State Historic Preservation Office to provide any information it may have with regard to historic and cultural resources.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

REGULATORY DIVISION

Refer to: P/N # SAC 2009-0118-11Q

FEBRUARY 6, 2009

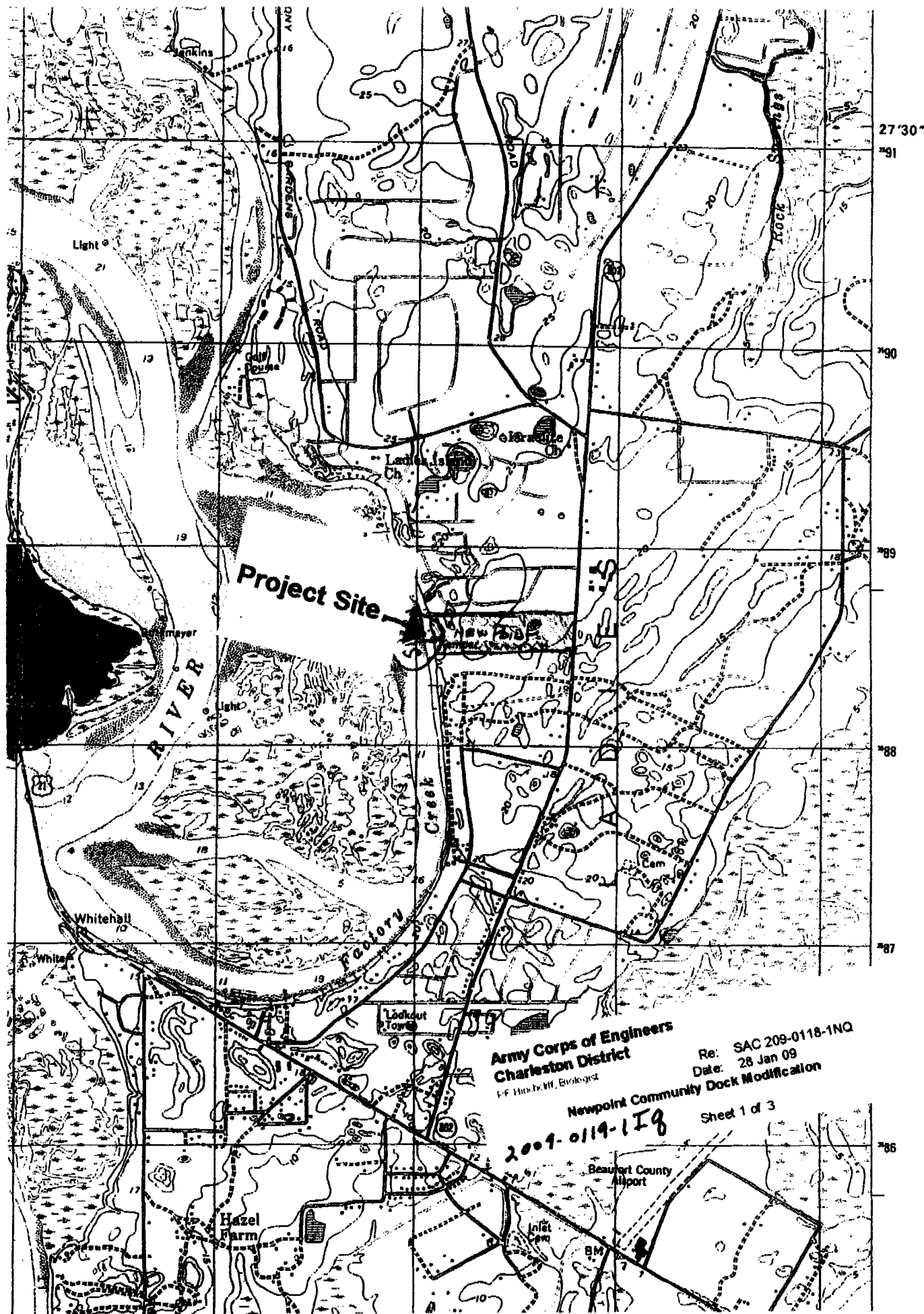
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact Paul Hinchcliff at 843-329-8044 or toll free at 1-866-329-8187.

GEORDIE MADLINGER, PROJECT MANAGER
843-846-9400

NEARBY QUAD SAMPLE



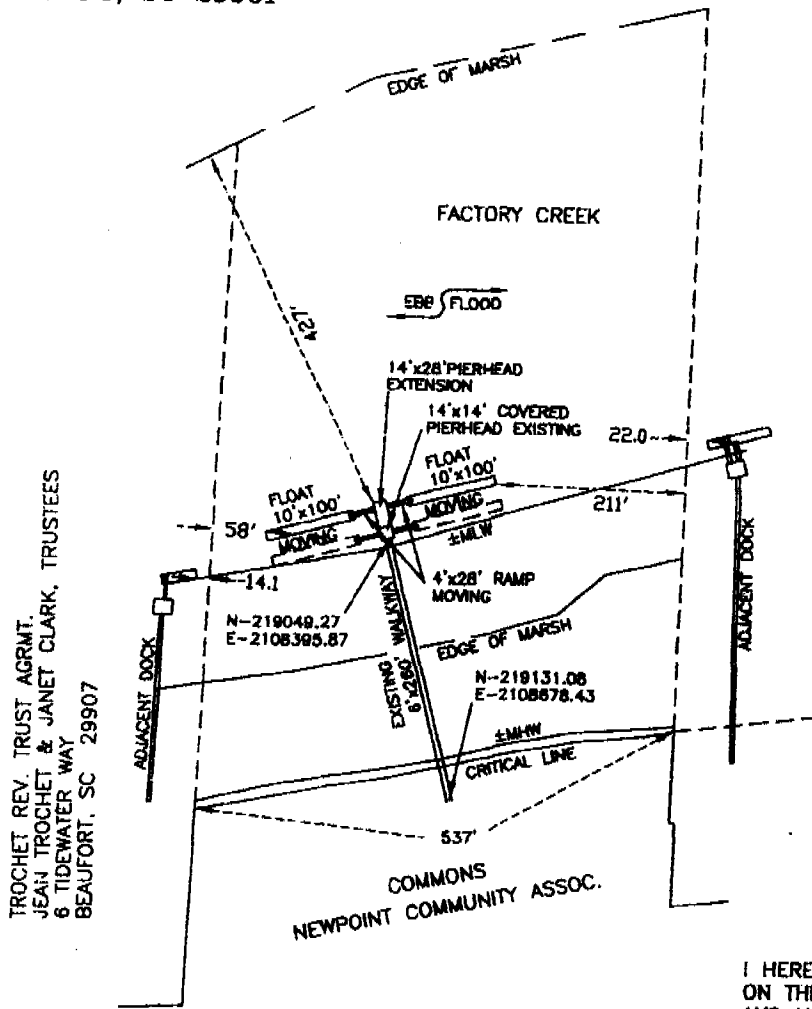
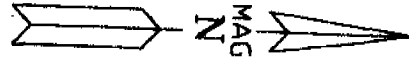
Army Corps of Engineers
Charleston District
J.F. Hincheliff, Biologist

Re: SAC 209-0118-1NQ
Date: 28 Jan 09

Newport Community Dock Modification
2009-0119-1EQ

Sheet 1 of 3

DOCK ADDITION SKETCH
 PREPARED FOR
 NEWPOINT COMMUNITY ASSOC.
 C/O BUNDY APPRAISAL & MGMT.
 P.O. BOX 1225
 BEAUFORT, SC 29901



THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT PERMIT AUTHORITY ON THE SUBJECT PROPERTY. CRITICAL AREAS BY THEIR NATURE, ARE DYNAMIC AND SUBJECT TO CHANGE DUE TO THE BY DELINEATING THE PERMIT AUTHORITY OF THE DEPARTMENT. THE DEPARTMENT IN NO WAY WAIVES ITS RIGHT TO ASSESS PERMIT JURISDICTION AT ANY TIME IN ANY CRITICAL AREA ON THE SUBJECT PROPERTY, WHETHER SHOWN HEREON OR NOT.

1-5-09
 DATE

[Signature]
 SIGNATURE

The critical line shown on this plat is valid for five years from the date of this signature, subject to the cautionary language above.

ELIZABETH C. RHODES
 17 WATERSIDE DR.
 BEAUFORT, SC 29907

I HEREBY CERTIFY TO THE DIMENSIONS SHOWN ON THIS SKETCH THAT PERTAIN TO CRITICAL LINE AND MARSH LINE.

R200-015-00A-0001-0000



SCALE 1" = 200'

NOVEMBER 19, 2008
 P13938DS2/MMA

2009-0119-1E9

Army Corps of Engineers
 Charleston District

FP Hinchliff, Biologist

Re: SAC 209-0118-1N0
 Date: 28 Jan 09

Newpoint Community Dock Modification

Sheet 2 of 3

APPLICANT:
 NEWPOINT CI

ACTIVITY: DOCK

[Signature]
 DAVID S. YOUNG RLS 9765
 BEAUFORT SURVEYING, INC.
 1613 PARIS AVENUE
 PORT ROYAL, S.C. 29935
 PHONE (843) 524-3261

IGN

ADJACENT PROPERTY OWNERS
 TROCHET REV. TRUST AGRMT.
 6 TIDEWATER WAY, BEAUFORT, SC 29907
 ELIZABETH C. RHODES
 17 WATERSIDE DR., BEAUFORT, SC 29907

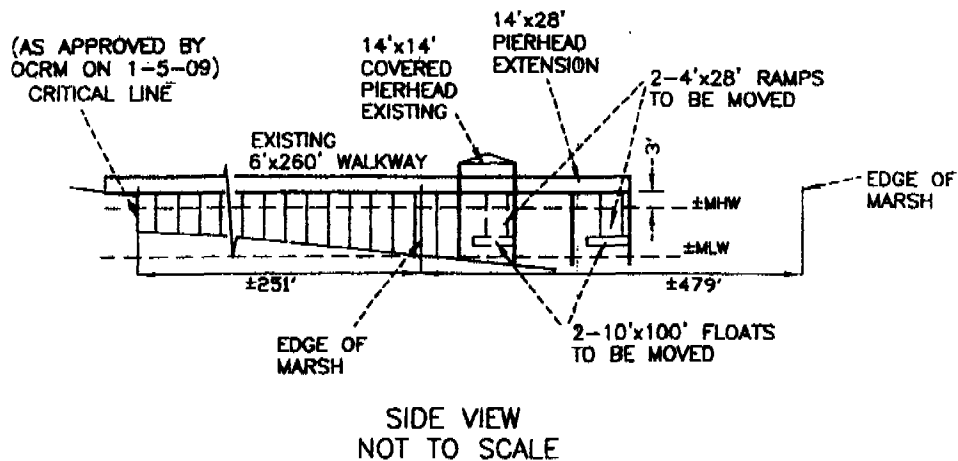
DOCK ADDITION SKETCH
 PREPARED FOR
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R200-015-00A-0001-0000

[Signature]
 DAVID S. YOUNG RLS 9765
 BEAUFORT SURVEYING, INC.
 1613 PARIS AVENUE
 PORT ROYAL, S.C. 29935
 PHONE (843) 524-3261

2009-0119-1Eg

P13938DS2 / 1111

APPLICANT
 NEWPD

Army Corps of Engineers
 Charleston District
 FF Hinchliff, Biologist

Re: SAC 209-0118-1N0
 Date: 28 Jan 09

ACTIVITY:

Newpoint Community Dock Modification

Sheet 3 of 3

DIVISION

ADJACENT PROPERTY OWNERS

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 6 TIDEWATER WAY, BEAUFORT, SC 29907
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